

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. <u>09-19</u></b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: <u>May 7, 2009</u></b>
<b>STEVEN GILBERT</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>RICHARD BOYKIN</b>	<b>:</b>	<b>18 U.S.C. § 201(b)(2) (accepting a bribe -</b>
	<b>:</b>	<b>1 count)</b>
	<b>:</b>	<b>21 U.S.C. § 846 (conspiracy to possess</b>
	<b>:</b>	<b>with intent to distribute marijuana -</b>
	<b>:</b>	<b>1 count )</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (possession with</b>
	<b>:</b>	<b>intent to distribute marijuana - 1 count)</b>
	<b>:</b>	<b>21 U.S.C. § 846 (attempted distribution of</b>
	<b>:</b>	<b>marijuana - 1 count )</b>
	<b>:</b>	<b>18 U.S.C. § 371 (conspiracy to commit</b>
	<b>:</b>	<b>theft of government property - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 641 (theft of government</b>
	<b>:</b>	<b>property - 9 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>

**SECOND SUPERSEDING INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

On or about October 31, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**STEVEN GILBERT,**

a public official, that is a letter carrier employed by the United States Postal Service, directly and indirectly, corruptly agreed to receive and accept something of value personally from another person, in return for being influenced in the performance of an official act, that is the delivery of packages to an individual other than the intended recipient identified on the Express Mail label.

All in violation of Title 18, United States Code, Section 201(b)(2).

## **COUNT TWO**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. From in or about August 2008 through in or about October 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

#### **STEVEN GILBERT and RICHARD BOYKIN**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

#### **MANNER AND MEANS**

It was part of the conspiracy that:

2. Defendant STEVEN GILBERT obtained marijuana from suppliers in Arizona for distribution in the Philadelphia area.

3. Defendant RICHARD BOYKIN drove defendant STEVEN GILBERT to various locations in Philadelphia where defendant GILBERT picked up marijuana he had obtained from his suppliers.

#### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, defendants STEVEN GILBERT and RICHARD BOYKIN committed the following overt acts, among others, in the Eastern District of Pennsylvania, and elsewhere:

1. At various times, defendant STEVEN GILBERT received Express Mail packages containing marijuana from suppliers in Arizona.

2. At various times, defendant RICHARD BOYKIN drove defendant

STEVEN GILBERT to locations in Philadelphia where defendant GILBERT picked up packages containing marijuana.

3. To conceal the fact that he was distributing marijuana, defendant STEVEN GILBERT wore his United States Postal Service letter carrier uniform to pick up at least one of the packages of marijuana.

4. At various times, defendant STEVEN GILBERT placed packages of marijuana in the trunk of defendant RICHARD BOYKIN's vehicle.

5. At various times, defendant RICHARD BOYKIN drove defendant STEVEN GILBERT and packages of marijuana to defendant GILBERT's residence.

6. Defendant STEVEN GILBERT removed the packages from the trunk and entered his residence with them.

All in violation of Title 21, United States Code, Section 846.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about October 31, 2008, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**STEVEN GILBERT**

knowingly and intentionally possessed with intent to distribute a mixture and substance  
containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about October 31, 2008, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**STEVEN GILBERT**

knowingly and intentionally attempted to distribute a mixture and substance containing a  
detectable amount of marijuana, a Scheduled I controlled substance, in violation of Title 21,  
United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 846.

## **COUNT FIVE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

#### **INTRODUCTION**

At all times material to this second superseding indictment:

#### **The Voyager Credit Card**

1. The United States Postal Service (“USPS”) was an entity established by the United States which, among other things, delivered mail to every address in all 50 states.
2. To accomplish its delivery functions, the USPS maintained a fleet of vehicles and used contract trucking services.
3. Fuel requirements for vehicles transporting mail were typically met through the use of a Voyager credit card, which was part of a government-wide commercial fleet credit card program. USPS vehicle operators used the Voyager credit cards to pay for commercially purchased fuels and routine maintenance expenses as required for each vehicle.
4. The Voyager credit card was issued by US Bank, NA, a financial institution.
5. The Voyager credit card was an official government credit card and was imprinted with the words, “United States of America - For Official Government Fleet Use Only.”
6. Transactions made with the Voyager credit card caused invoices to be electronically sent from the merchant to US Bank. US Bank obtained payment for the transactions from the USPS. Merchants were paid within two to three business days after the transaction is posted. The USPS paid all invoices submitted by Voyager in connection with the charges set forth in this Superseding Indictment.
7. Each Voyager credit card had an associated account number, card

identification number and vehicle license number. Additionally, a personal identification number (“PIN”) was issued to every USPS employee who needed to fuel a USPS vehicle or to have maintenance performed on a USPS vehicle.

#### The Defendants

8. Defendant STEVEN GILBERT was a part-time USPS letter carrier assigned to the Market Square Station Post Office in Philadelphia. Defendant GILBERT was employed by the USPS from beginning in August 2006.

9. Defendant RICHARD BOYKIN was an associate of STEVEN GILBERT.

#### **THE CONSPIRACY**

10. From in or about August 25, 2008 through in or about November 4, 2008, in the Eastern District of Pennsylvania, and elsewhere, defendants

#### **STEVEN GILBERT and RICHARD BOYKIN**

conspired and agreed, together and with others known and unknown to the grand jury, to steal and knowingly convert to their own use a thing of value of the United States in an amount over \$1,000, that is, money for vehicle fuel transactions, through the unauthorized and fraudulent use of USPS Voyager credit cards, in violation of Title 18, United States Code, Section 641.

#### **MANNER AND MEANS**

It was part of the conspiracy that:

11. Defendant STEVEN GILBERT took, without authorization, Voyager credit cards from the Market Square Station Post Office. Defendant GILBERT delivered the Voyager credit cards to defendant RICHARD BOYKIN. Defendant GILBERT also provided defendant BOYKIN a PIN to enable use of the Voyager credit cards. The PIN had been issued to

a USPS employee known to the grand jury. The USPS employee never authorized defendants GILBERT and BOYKIN to use the employee's PIN.

12. Defendants STEVEN GILBERT and RICHARD BOYKIN arranged for defendant BOYKIN to use the Voyager credit cards for personal use and to sell gasoline at various gas stations in and around Philadelphia to co-conspirators and charge each co-conspirator half the price of the gasoline. Defendants GILBERT and BOYKIN arranged for defendant GILBERT to receive 70 percent of the proceeds from the gasoline sales and defendant BOYKIN would keep the remaining 30 percent.

13. Using the Voyager credit cards, Defendant RICHARD BOYKIN conducted at least 186 fraudulent transactions, totaling approximately \$13,000 at various gasoline stations, including Lukoil, 1432 City Avenue, Wynnewood, PA; Sunoco, 2634-44 North Broad Street, Philadelphia, PA; ARFA Enterprises, Inc., 2824 N. Broad Street, Philadelphia, PA; Sunoco, 33<sup>rd</sup> and York Street, Philadelphia, PA; Sunoco, 4140 N. Broad Street, Philadelphia, PA; Sunoco, 5200 Lancaster Avenue, Philadelphia, PA; Merit Godfrey, 6151 Broad Street, Philadelphia, PA; Shell, 6200 North Broad Street, Philadelphia, PA; and Lukoil, 8005 Ogontz Avenue, Philadelphia, PA.

### **OVERT ACTS**

In furtherance of the conspiracy, defendants STEVEN GILBERT and RICHARD BOYKIN, and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania:

Defendant RICHARD BOYKIN, without authorization, used Voyager credit cards issued to the USPS, and provided to him by defendant STEVEN GILBERT, to sell gasoline to co-conspirators, each transaction below constituting an overt act:



<b>OVERT ACT</b>	<b>DATE</b>	<b>TIME</b>	<b>AMOUNT</b>	<b>LOCATION</b>
1	8/30/08	18:59	\$48.09	Lukoil, 8005 Ogontz Ave., Philadelphia
2	9/16/08	18:53	\$70.14	ARFA Enterprises, 4043 Germantown Ave., Philadelphia
3	9/24/08	14:56	\$103.08	Sunoco, 7434 Ogontz Ave., Philadelphia
4	9/24/08	15:00	\$36.55	Sunoco, 7434 Ogontz Ave., Philadelphia
5	9/24/08	15:30	\$100.04	Merit Godfrey, 6151 Broad St., Philadelphia
6	9/24/08	15:42	\$146.01	Exxon, 6201 N. Broad St., Philadelphia
7	9/26/08	20:32	\$297.00	Sunoco, 4140 N. Broad St., Philadelphia
8	10/3/08	21:40	\$74.04	Sunoco, 4140 N. Broad St., Philadelphia
9	10/11/08	18:22	\$180.99	Merit Godfrey, 6151 Broad St., Philadelphia
10	10/14/08	19:25	\$100.00	ARFA Enterprises, 4043 Germantown Ave., Philadelphia
11	10/24/08	12:52	\$100.00	ARFA Enterprises, 2824 N. Broad St., Philadelphia
12	10/25/08	12:03	\$200.00	Shell, 6200 N. Broad St., Philadelphia
13	10/27/08	15:26	\$200.00	Shell, 6200 N. Broad St., Philadelphia
14	10/27/08	15:39	\$200.00	Shell, 6200 N. Broad St., Philadelphia
15	11/1/08	15:48	\$120.97	Merit Godfrey, 6151 Broad St., Philadelphia
16	11/2/08	18:51	\$68.57	Lukoil, 4400 City Line Ave., Philadelphia
17	11/4/08	13:39	\$71.83	Merit Godfrey, 6151 Broad St., Philadelphia
18	11/4/08	14:47	\$71.00	Shell, 6200 N. Broad St., Philadelphia

All in violation of Title 18, United States Code, Section 371.

**COUNTS SIX THROUGH FOURTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs One through Nine of Count Five of this second superseding indictment are incorporated by reference.

2. On or about the dates listed below, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

**STEVEN GILBERT**

stole and knowingly converted to his own use, and aided and abetted the theft and conversion to his own use, a thing of value of the United States in an amount over \$1,000, that is, money for vehicle fuel transactions, through the unauthorized and fraudulent use of USPS Voyager credit cards at the following gasoline stations:

COUNT	DATE	TIME	AMOUNT	LOCATION
6	3/6/08	10:42	\$ 93.40	Sunoco, 1000 E. Willow Grove, Wyndmoor
7	9/24/08	14:56	\$103.08	Sunoco, 7434 Ogontz Ave., Philadelphia
8	9/24/08	15:30	\$100.04	Merit Godfrey, 6151 Broad St., Philadelphia
9	9/24/08	15:42	\$146.01	Exxon, 6201 N. Broad St., Philadelphia
10	9/25/08	16:25	\$149.75	ARFA Enterprises, 813 N. Broad St., Philadelphia
11	9/25/08	19:09	\$111.00	Sunoco, 5200 Lancaster Ave., Philadelphia
12	9/26/08	20:32	\$297.00	Sunoco, 4140 N. Broad St., Philadelphia
13	9/28/08	18:54	\$145.43	Lukoil, 8005 Ogontz Ave., Philadelphia
14	10/11/08	18:22	\$180.99	Merit Godfrey, 6151 Broad St., Philadelphia

In violation of Title 18, United States Code, Sections 641 and 2.

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**LAURIE MAGID**  
**Acting United States Attorney**